



COMMONWEALTH of VIRGINIA

*Office of the Attorney General
Richmond 23219*

Judith Williams Jagdmann
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

TO: RENEE WHITE
Regulatory Coordinator
Virginia Department of Medical Assistance Services

FROM: USHA KODURU
Assistant Attorney General

DATE: December 2, 2005

SUBJECT: Proposed Regulation to Implement Family Access to Medical Insurance Security Plan: FAMIS Select

I am in receipt of the attached proposed regulation to create a new health insurance premium assistance component for the Family Access to Medical Insurance Security (FAMIS) program to replace the Employee Sponsored Health Insurance (ESHI) currently in place. You have asked the Office of the Attorney General to review and determine if the Department of Medical Assistance Services ("DMAS") has the legal authority to promulgate the proposed regulation and if the proposed regulation comports with state and federal law.

Based on my review, DMAS has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority.

Pursuant to Virginia Code §§ 32.1-324, 32.1-325, which grants to the Board of Medical Assistance Services the authority to administer and amend the plan for Medical Assistance and authorizes the Director of DMAS to administer and amend the plan for Medical Assistance according to the Board's requirements. The authority for these proposed regulations derives from Chapter 951, Item 324 (L) and Chapter 584 (32.1-351(D), 32.1-351(2) and (3)) of the 2005 Appropriations Act, which mandates DMAS promulgate regulations "to simplify the

Renee White
December 2, 2005
Page 2

administration of the premium assistance program available to families with children eligible for FAMIS who have access to an employer-sponsored health insurance program.”

If you have any questions, please feel free to contact me at 786-4905.

cc: Kim F. Piner, Esquire

Attachment